

**IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Constellation Mystic Power, LLC,	)	
	)	
<i>Petitioner,</i>	)	
	)	
v.	)	
	)	No. 24-1077
Federal Energy Regulatory	)	
Commission,	)	
	)	
<i>Respondent.</i>	)	
	)	

**CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES**

In accordance with Circuit Rule 28(a)(1) and the Order issued by this Court on April 4, 2024, the undersigned, counsel of record for Petitioner Constellation Mystic Power, LLC, certify as follows:

**A. Parties and Amici**

The Petitioner is Constellation Mystic Power, LLC. The Respondent is the Federal Energy Regulatory Commission (“Commission”). The following listed parties appeared in the underlying administrative proceedings, Commission Docket Nos. ER18-1639-000 and ER18-1639-028:

American Public Power Association

Avangrid Renewables, LLC

Braintree Electric Light Department

Calpine Corporation

Cavus Energy LLC

Cogentrix Energy Power Management, LLC

Concord Municipal Light Plant

Connecticut Department of Energy and Environmental Protection

Connecticut Municipal Electric Energy Cooperative

Connecticut Office of Consumer Counsel

Connecticut Public Utilities Regulatory Authority

Consolidated Edison Energy, Inc.

Constellation Mystic Power, LLC

Dighton Power, LLC

Direct Energy

Direct Energy Business Marketing, LLC

Direct Energy Business, LLC

Distrigas of Massachusetts LLC

Dominion Energy Services, Inc.

Eastern New England Consumer-Owned Systems

Electric Power Supply Association

ENGIE Gas & LNG LLC

Environmental Defense Fund

Eversource Energy Service Company

Federal Energy Regulatory Commission

FirstLight Power Resources, Inc.

Gaz Metro LNG, L.P.

Georgetown Municipal Light Department

Hingham Municipal Lighting Plant

Industrial Energy Consumer Group

ISO New England Inc.

Littleton Electric Light & Water Department

LS Power Associates, L.P.

Maine Public Utilities Commission

Massachusetts Attorney General Andrea Campbell

Massachusetts Department of Public Utilities

Massachusetts Municipal Wholesale Electric Company

Middleborough Gas & Electric Department

Middleton Electric Light Department

Milford Power, LLC

Monitoring Analytics, LLC

National Grid USA

New England Local Distribution Companies

New England Power Generators Association Inc.

New England Power Pool Participants Committee

New England States Committee on Electricity

New Hampshire Electric Cooperative, Inc.

New Hampshire Office of Consumer Advocate

New Hampshire Public Utilities Commission

NextEra Energy Resources, LLC

Norwood Light and Broadband Department

NRG Power Marketing LLC and GenOn Energy Management, LLC

Pascoag Utility District

PSEG Power LLC

PSEG Energy Resources & Trade LLC

PSEG Power Connecticut LLC

Public Citizen, Inc.

Reading Municipal Light Department

Repsol Energy North America Corporation

State of Rhode Island

Taunton Municipal Lighting Plant

Vermont Department of Public Service

Vermont Public Utility Commission

Verso Corporation

Vitol Inc.

Wellesley Municipal Light Plant

Westfield Gas & Electric Light Department

## **B. Rulings Under Review**

Petitioner seeks review of the following orders issued by the Commission:

1. *Constellation Mystic Power, LLC*, Order Granting In Part and Dismissing In Part Formal Challenges Subject to Refund, and Establishing Hearing and Settlement Judge Procedures, Docket No. ER18-1639-000, 185 FERC ¶ 61,170 (December 5, 2023).
2. *Constellation Mystic Power, LLC*, Notice of Denial of Rehearing by Operation of Law and Providing for Further Consideration, Docket No. ER18-1639-028, 186 FERC ¶ 62,048 (February 5, 2024).

### C. Related Cases

This case is part of a series of related cases.

The first related case was previously before this Court. *See Constellation Mystic Power, LLC v. FERC*, No. 20-1343, 45 F.4th 1028 (decided Aug. 23, 2022).

The second related case is No. 21-1198 *et al., Constellation Mystic Power, LLC v. FERC*. That case and its consolidated companions are held in abeyance until at least July 2024 to await a Commission decision on remand in *MISO Transmission Owners v. FERC*, 45 F.4th 248 (D.C. Cir. 2022).

The third related case is No. 24-1018, *Braintree Electric Light Dep't v. FERC*. That case is proceeding with a briefing schedule calling for petitioner's brief on May 15, FERC's brief July 15, and Constellation Mystic (as intervenor in support of FERC)'s brief due July 22, 2024.

Dated: May 6, 2024

Respectfully submitted,

/s/ Matthew A. Fitzgerald

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*Counsel for Constellation Mystic  
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**CERTIFICATE OF SERVICE**

I hereby certify that on May 6, 2024, I filed the foregoing with the Clerk of the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system, which will serve counsel of record.

/s/ Matthew A. Fitzgerald  
Matthew A. Fitzgerald

*Counsel for Constellation Mystic  
Power, LLC*